

SPECIAL ORDINANCE NO. S- 72-95

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$7,000,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO TUTHILL CORPORATION IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED IN FORT WAYNE; AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT; AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF THE REVENUES FROM THE LOAN AGREEMENT; AND AUTHORIZING THE TERMS AND CONDITIONS FOR SALE OF SAID BONDS

WHEREAS, The City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC36-7-12 as amended (hereinafter called the "Act") is authorized and empowered to adopt this ordinance (the "Bond Ordinance") and to carry out its Provisions; and

WHEREAS, TUTHILL CORPORATION (the "Developer") is an Indiana corporation located in Fort Wayne, Indiana; and

WHEREAS, the Developer has agreed to acquire and construct economic development facilities in the City if the City will finance a Portion of the cost of such acquisition and construction;

WHEREAS, the Fort Wayne Economic Development Commission has performed all action required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to this Common Council the forms of: (1) Indenture of Trust (the "Indenture") between the City and Lasalle National Bank, as Trustee and Kentland Bank as Initial co-trustee under the Indenture (the "Trustee"), setting forth forms of economic development revenue bonds (2) Loan Agreement (the "Loan Agreement") between the City and the developer, and (3) this Bond Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AS FOLLOWS:

Section 1. Findings; Public Benefits. The Common Council of the City hereby finds and determines that the building, machinery and equipment and related facilities (the "Project") to be acquired and constructed with the proceeds of the Economic Development Revenue Bonds herein authorized are "economic development facilities" as that phrase is used in the Act; that acquisition and construction of the Project by the Developer will increase employment opportunities and increase diversification of economic development facilities in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade,

and commerce in the area in and near the City and the location of other new industries in the area; and that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is defined in the Act) which will be required by, the Project.

Section 2. Authorization of Economic Development Revenue Bonds. In order to pay a portion of the cost of acquiring and constructing the Project,. there are hereby authorized to be issued, sold and delivered \$7,000,000.00 aggregate principal amount of Variable/Fixed Rate Economic Development Revenue Bonds, Series 1995 (TUTHILL CORPORATION Project) of the City (the "Bonds"). The Bonds will be issued in one Series. Series 1995 shall be in an amount of \$7,000,000.00 and the proceeds of this Series will be used to acquire, construct, reconstruct and improve the Project. Any additional costs of the Project will be paid for by the Developer unless paid for with the proceeds of additional bonds.

Section 3. Terms for the Bonds. The total principal amount of Series 1995 Bonds that may be issued is hereby expressly limited to \$7,000,000.00.

The Series 1995 Bonds shall be executed, shall be in such form, shall have such redemption provisions, and shall be subject to such other terms and conditions as set forth in the Indenture. The Bonds and the interest thereon do not and shall never constitute an indebtedness of or a charge against the general credit or taxing power of the City, but shall be limited obligations of the City, payable solely from revenue and other amounts derived from the Loan Agreement and shall be secured as provided in the Indenture. Two copies of the Loan Agreement and Indenture are before this meeting and are by this reference incorporated in this Bond Ordinance, and the City Clerk is hereby directed to insert them in the minutes of the Common Council and to keep them on file.

Section 4. Sale of the Bonds. The Mayor, City Clerk and City Controller of the City are hereby authorized and directed to sell the Bonds to or upon the order of First National Bank of Chicago, at a price of \$7,000,000.00 plus accrued interest to the date of delivery and payment, pursuant to a Limited Offering Memorandum in substantially the same form as submitted to this council which is hereby approved in all respects.

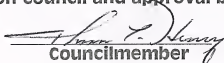
Section 5. Indenture. In order to secure the payment of the principal of and interest on the Bonds, the Mayor and the city Clerk shall execute, acknowledge and deliver, in the name and on behalf of the city, an Indenture of Trust, dated as set forth in the Indenture of Trust, in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 6. Loan Agreement. In order to provide for the loan of the proceeds of the Bonds to acquire and construct

1 the Project, the Mayor and the City Clerk shall execute,
2 acknowledge and deliver in the name and on behalf of the
3 city a Loan Agreement, dated as set forth in the Loan
4 Agreement, in substantially the form submitted to this
5 Common Council, which is hereby approved in all respects.

6 Section 7. General. The Mayor, City Clerk and City
7 controller be and they are hereby authorized and directed,
8 in the name and on behalf of the City, to execute any and all
9 instruments including any security agreements or
10 assignments thereof, perform any and all acts, approve any
11 and all matters, and do any and all things deemed by them,
12 or any of them, to be necessary or desirable in order to
13 carry out the purposes of this Bond Ordinance (including the
14 preambles hereto), including without limitation, execution
15 of the certificates to evidence the Bonds are not arbitrage
16 bonds within the meaning of Section 148 of the Internal
17 Revenue Code and execution of closing certificates.

18 Section 8. Effective Date. This Bond Ordinance shall be
19 in full force and effect immediately upon its adoption by
20 the Common Council and approval by the Mayor.

21 
22 Councilmember

23 APPROVED AS TO FORM
24 AND LEGALITY

25 
26 J. Timothy McCaulay, City Attorney
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Read the first time in full and on motion by Henry, seconded by _____, and duly adopted, read the second time by _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____ at _____ o'clock _____ M., E.S.T.

DATED: 10-10-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Don J. Schneider, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
GRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
LAQUINTA	<u>✓</u>			
ENRY	<u>✓</u>			
ONG	<u>✓</u>			
UNSEY	<u>✓</u>			
AVINE	<u>✓</u>			
CHMIDT	<u>✓</u>			
ALARICO	<u>✓</u>			

DATED: 10-24-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

SPECIAL) (ZONING) _____ ORDINANCE RESOLUTION NO. S-72-95

on the 24th day of October, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schneider
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 1995, at the hour of 11:00 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of October, 95, at the hour of 1:00 o'clock PM, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. S-5-10-02

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AUTHORIZING THE ISSUANCE
AND SALE OF \$7,000,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS - TUTHILL
CORPORATION




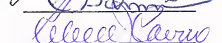
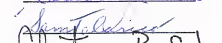
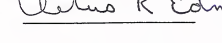

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
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_____	_____	_____	_____

DATED: 10-24-95

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

Paul Helmke, Mayor

October 10, 1995

To the Members of Common Council:

J-95-10-02

Enclosed please find an ordinance to authorize the issuance of Economic Development Revenue bonds for Tuthill Corporation to allow them to construct and equip a 120,000 square foot building to expand their current local operations. In anticipation of this expansion and because of the long training period required, the company has added 20 positions. The project will allow the company to remain in Fort Wayne and to compete more efficiently thus retaining jobs.

The ordinance approves the financing and authorizes the execution of the necessary documents. This bond issue is a limited obligation issue and does not impact the tax rate or the city's bonding capacity.

A failure to pass the ordinance could cause the borrower to examine its ability to compete efficiently in its present location.

Very truly yours,

CITY OF FORT WAYNE ECONOMIC
DEVELOPMENT COMMISSION

R. David Boyer/dab

R. David Boyer,
Associate City Attorney

RDB:alc
Enclosure

DIGEST SHEET

DEPARTMENT REQUESTING ORDINANCE: Economic Development

TITLE OF ORDINANCE: AN ORDINANCE AUTORIZING THE ISSUANCE AND SALE OF \$7,000,000.00 ECONOMIC DEVELOPMENT REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO TUTHILL CORPORATION IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES LOCATED IN FORT WAYNE; AUTORIZING THE EXECUTION OF A LOAN AGREEMENT; AUTHORIZING AN INDENTURE OF TRUST APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF THE REVENUES FROM THE LOAN AGREEMENT; AND AUTHORIZING THE TERMS AND CONDITIONS FOR SALE OF SAID BONDS

SYNOPSIS OF ORDINANCE: This resolution approves a resolution of the Economic Development Commission authorizing the issuance of \$7,000,000.00 in bonds to enable Tuthill Corporation to construct and equip a 120,000 square foot replacement building.

EFFECT OF PASSAGE: Tuthill Corporation, will be enabled to construct the new building and secure equipment enabling the retention of 20 additional jobs newly created in anticipation of the project and enable a local industry to compete more efficiently in its marketplace.

EFFECT OF NON-PASSAGE: Financing will fail and the additional jobs may be lost.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.